

26 October 1983

PCS/DO

Legislation Division, OLL

Hawkins-Percy Amendment to the Senate
State Authorization Bill

2. Under this provision, if a foreign country fails to achieve the projected reduction in illicit drug production contained in a report prepared by the President, then the President must suspend all "United States Assistance" to that country, unless the foreign country failed for reasons beyond its control (weather, geography, political instability) or if continued assistance is in the national security interest of the U.S. "United States Assistance" is defined in this amendment to include assistance of any kind by any U.S. Government Agency. As presently worded, this prohibition would seem to apply to CIA-furnished assistance.

3. The ability of the President to continue assistance under a "national security" exemption mitigates the impact of this amendment. Nonetheless, we would appreciate your office's assessment of the potential impact of this provision to complete our analysis of this amendment.

Attachment

cc: [redacted] Liaison Division

Distribution:

Original - Addressee

- 1 - OLL Chrono (w/o attach)
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S 14144

CONGRESSIONAL RECORD — SENATE

October 19, 1983

zens need to work internationally to strengthen democratic institutions. I am consequently particularly pleased that the Congress of the United States has been voting to support the bipartisan National Endowment for Democracy and to enable the Endowment and the United States more effectively to cooperate with others in advancing democracy. This is a cause in which all democratic parties—in the United States and elsewhere—can join with full conviction.

I wish you full success in your deliberations and look forward to further cooperation with those governments participating in the Conference and with democratic governments everywhere.

Members of the Council of Europe, I think it is important to note that President Reagan speaks for all members of this U.S. delegation and for our entire country in expressing his high hopes for this gathering. We have come to listen, to learn, to contribute, and to cooperate in the common task of developing not only our conceptual understanding of democratic processes today but our practical ability to bolster the chances for democratic success in a world filled with those who fear and despise free societies.

I am especially hopeful that—by this time next year—through the bipartisan Endowment and institutions affiliated with the two political parties, labor and business—the United States will have reinforced meaningfully its tangible commitment to partnership programs and exchanges designed to bolster democratic institutions throughout the world.

Would it not be a splendid and historic occasion, Mr. President, if this Senate today fulfilled that bipartisan hope and passed this Endowment legislation? Once this legislation has been enacted, as I stated earlier, the Foreign Relations Committee will have a chance to review with the officials of the endowment and various institutes to be funded by it their procedures, bylaws, initial programs and plans. To do that, however, we must first pass the bill which I hope we can do expeditiously with the perfecting, technical amendment that I have sent to the desk.

I ask unanimous consent that the article entitled "Meeting Moscow's Ideological Challenge" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(From the Washington Times, Sept. 29, 1983.)

MEETING MOSCOW'S IDEOLOGICAL CHALLENGE (By William Brock and Michael Samuels)

For the first time, the United States has an opportunity to harness the experience and energies of the private sector in meeting the global ideological challenge presented by the Soviet Union and its allies. Whether or not that opportunity becomes a reality depends on Senate approval this week of a proposal to create a National Endowment for Democracy.

Prompt passage of the legislation (S. 1342) will send a strong message to the world that the American people fully intend to support the growth and development of democratic pluralism abroad.

The legislation pending in the Senate would establish a National Endowment for Democracy as a private, non-profit corporation. It would receive an annual appropriation from the Congress and would be sub-

ject to Congressional overview and guidance.

The unique feature of the proposed Endowment is that all of the overseas programs would be designed and implemented by private sector groups including business, labor, the two political parties, and others. The Endowment legislation specifically names four of the organizations that would receive funds: the Center for International Private Enterprise, the Free Trade Union Institute, and separate Republican and Democratic Institutes for International Affairs.

Each of the political party institutes will draw personnel and program ideas from congressional representatives, academia, and the national committees but neither is part of their respective national committee structures. The Center for International Private Enterprise is part of the National Chamber Foundation and will include on its governing board leaders from representative business groups. Similarly, the Free Trade Union Institute is affiliated with the AFL-CIO and will draw on labor's extensive experience in Asia, Africa, and Latin America. Other private sector groups such as the media, the legal profession, cooperatives, and academia are being encouraged to apply for funds.

Our involvement with the National Endowment for Democracy stems from a research study conducted, with President Reagan's support, by the bipartisan American Political Foundation. In addition to the two of us, the study group board also includes RNC Chairman Frank J.ahrenkopf, Jr., DNC Chairman Charles T. Manatt, Sen. Christopher Dodd, AFL-CIO President Lane Kirkland, Rep. Dante Fascell, Richard V. Allen, and other distinguished private sector representatives.

This group of business and labor leaders, Republicans and Democrats, liberals and conservatives, strongly supports the Endowment concept. The Report, which was presented to the Administration and Congress in mid-April, recommended the establishment of the Endowment and documented the many potential benefits of such programs for the United States and for democratic forces around the world.

The Endowment concept is based on providing support for what President Reagan called, in his speech to the British Parliament last year, the infrastructure of democracy—political parties, business associations, free labor movements, a free press, and other elements of democratic pluralism. Each of the organizations receiving funds from the proposed Endowment would provide training, exchange programs, and support to its counterparts abroad.

The experience of the AFL-CIO's labor institutes clearly demonstrates that the most effective means of halting the spread of communism is to support democratic groups through institution-to-institution assistance on a partnership basis. As democratic political parties, business groups, labor unions, media, and other institutions emerge and grow stronger, the forces of tyranny can be more effectively checked.

Although government-to-government forms of aid are essential and should be continued the direct assistance from experienced business people, political party leaders, union experts, and others can make a decisive difference in building democratic pluralism abroad.

Some criticism has been directed at the proposed Endowment in the Senate and in the earlier House vote. For the most part criticism reflects domestic partisan concerns that the proposed Endowment would be dominated by one party or the other. Some question the relative distribution of funds

between business and labor. Such concerns are groundless.

Both political party institutes have been designated to receive the same amount of funding and have the same representation on the proposed Endowment board. In the cases of business and labor, the appropriate Congressional committees decided that, initially, labor would receive a larger amount as recognition of the work that regional labor training institutes have already done in strengthening democratic trade unionism while opposing communism in Africa, Latin America, and Asia.

As the business Center's programs develop, labor and business will receive equivalent funding in future years. Further, its broad bipartisan structure assures that no one group will be in a position to control the proposed Endowment. Congress, of course, will exercise a strong oversight function to ensure that the proposed Endowment adequately coordinates programs and that all programs are in the national interest.

Domestic concerns aside, it is long past time that the American private sector becomes an essential element of the national effort to provide support for democratic pluralism worldwide. Indeed, the private sector is American democratic pluralism. What better way to confront our most dangerous adversaries than through our own democratic pluralist institutions?

Mr. PERCY. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection? If there is no objection, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2344) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2345

(Purpose: To provide for suspension of assistance to any country not meeting projected reductions in illicit drug production)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Wilson). The clerk will report.

The bill clerk read as follow:

The Senator from Florida (Mrs. Hawkins), for herself and others, proposes an amendment numbered 2345.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS INTERNATIONAL NARCOTICS CONTROL.

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provisions of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-

American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(c) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances."

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the

President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 9 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961."

Mrs. HAWKINS. Mr. President, today I am introducing an amendment to S. 1342, the Department of State authorization bill which is designed to combat the corruption, violent crime, addiction, and health hazards victimizing Florida and the rest of this country as a result of the flow of illegal drugs from abroad.

This amendment is cosponsored by Senators PERCY, BIDEN, COCHRAN, DECONCINI, D'AMATO, HUMPHREY, MOYNI-